T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			28-Aug-06		APPL. S. N:		10033339			
To Examin	ier:		DYKE, KERRI		Art Unit		2616			
From			Jefferson, Henry PARALEGAL SPCECIALIST	г	Return This Memo To: Cas Drop-Off Location	se	JEF-2D68			
SUBJECT:	Decisio	n on Terminal	Disclaimer(T.D.) filed:							
form parag or have ar	graphs iony graphs iony	dentified by thi ions, please se	is informal memo in your e me or the Special Progr	next O	ffice action to notify applica aminer. THIS IS AN INFORM	ant of t	he T.D. If you disagree			
please init	ial, date	and return thi	s memo to me. THANK Y	OU.						
<u>₹</u>	he T.D.	is PROPER and	DYKE, KERRI Jefferson, Henry PARALEGAL SPCECIALIST Drop-Off Location Terminal Disclaimer(T.D.) filed: The submitted T.D. with the results as set forth below. If you agree, please use the appropriate of the submitted T.D. with the results as set forth below. If you agree, please use the appropriate of the submitted T.D. with the results as set forth below. If you agree, please use the appropriate of the submitted T.D. with the results as set forth below. If you agree, please use the appropriate of the submitted T.D. with the results as set forth below. If you agree, please use the appropriate of the submitted T.D. with the submitted T.D. If you disagree please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY, IAILED TO APPLICANTON OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete return this memo to me. THANK YOU. ROPER and has been recorded (see 14.23). OT PROPER and has not been accepted for the reason(s) checked below (see 14.24): To fee of							
□ т	he T.D.	is NOT PROPE	R and has not been accep	ted for	the reason(s) checked belo	ow (see	e 14.24):			
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account								
	_	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).								
1	_	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).								
1	<u> </u>	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
İ		The person who signed the T.D.:								
		is no	t an attorney "of record"	(see 1	1.29 and 14.29.01).					
		has f	ailed to state his/her cap	acity to	sign for the business entity	y (see	14.28).			
		is no	t recognized as an officer	of the	assignee (see 14.29 & poss	sible 14	4.29.02).			
I		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).								
ſ		The T.D. is not signed (see 14.26 & 14.26.03).								
١		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).								
ı	コ	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).								
ſ		The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).								
1	_	Other:					<u>2</u> -16			
ſ		Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.								
have app	ropriate	ly notified appl	icant(s) of the status of t	he Teri	minal Disclaimer filed in this	s case.				
Ex.Initials:		Date	•				Log Date:			

Application Number	10/033,339	R	Applicant(s)/Patent under Reexamination GOLLAMUDI ET AL.								
Document Code - DISQ		Internal Doo	cument – DO NOT MAIL								
TERMINAL DISCLAIMER	▼ APPROV	ED	☐ DISAPPROVED								
Date Filed : August 16, 2006	to a Te	t is subject erminal aimer									
Approved/Disapproved by:											
Henry D. Jefferson											

U.S. Patent and Trademark Office



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Inventors Sridhar Gollamudi

Pantelis Monogioudis

Case

6-21

Serial No.

10/033,339

Group Art Unit

2616

Filing Date

December 28, 2001

Examiner

Kerri M Dyke

Title

Adaptive Quality Control Loop For Link Rate Adaptation In Data

Packet Communication

ASSISTANT COMMISSIONER OF PATENTS WASHINGTON, D.C. 20231

SIR:

TERMINAL DISCLAIMER

Your petitioner, Lucent Technologies Inc., a corporation organized and existing under the laws of the State of Delaware, having its principal office at 600 Mountain Avenue, Murray Hill, New Jersey, 07972-0636, U.S.A., represents that it is the sole owner of the entire right, title, and interest in an application, Serial No. 10/033,339 filed on December 28, 2001 on a certain invention related to Adaptive Quality Control Loop For Link Rate Adaptation In Data Packet Communication of Sridhar Gollamudi and Pantelis Monogioudis, the present assignment being recorded on Reel 012757 Frame 0359 in the U.S. Patent and Trademark Office on March 26, 2003.

Your petitioner, Lucent Technologies Inc., hereby disclaims the terminal part of any U.S. patent to be granted on application Serial No. 10/033,339 that extends beyond the expiration date of U.S. Patent No. 6,915,477 and hereby agrees that said patent to be granted on application Serial No. 10/033,339 shall be enforceable only for and during such period that the legal title to said commonly owned U.S. Patent No. 6,915,477 remains in Lucent Technologies Inc., its

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successors or assigns, this agreement to run with said patent to be granted and to be binding on the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,915,477, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge Lucent Technologies Deposit Account No. 12-2325 in the amount of \$130.00 to cover the cost of this disclaimer under 37 CFR 1.20(d) and 37 CFR 1.321. Any deficiency or overpayment should be charged or credited to Lucent Technologies Deposit Account No. 12-2325.

Signed at Whippany, in the State of New Jersey this 14th day of August 2006.

Lucent Technologies Inc.

The undersigned is an attorney of record.

Stephen M. Gurey

Reg. No. 27,336

(973) 386-8252

Date: 14 August 2006

Lucent Technologies Inc. Docket Administrator

600 Mountain Avenue (Room 3C-512)

P.O. Box 636

Murray Hill, NJ 07974-0636